

HOUSE BILL No. 1076

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-24-1-5.8.

Synopsis: INDOT eminent domain actions. Reduces from six to three years the deadline by which the Indiana department of transportation or any other person seeking to acquire property for road construction must file a complaint to acquire the property by the exercise of eminent domain following the rejection of an offer to purchase by the owner of the property. Requires a court to conduct an expedited hearing of the complaint. Provides that a party to the court proceeding is entitled to an expedited appeal of the court's final ruling under rules to be adopted by the supreme court.

Effective: July 1, 2014.

Zent, Soliday

January 9, 2014, read first time and referred to Committee on Judiciary.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 32-24-1-5.8, AS ADDED BY P.L.163-2006,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 5.8. (a) This section applies only to:
4 (1) the Indiana department of transportation when the department
5 seeks to acquire a parcel of land or a property right for the
6 construction, reconstruction, improvement, maintenance, or repair
7 of a:
8 (A) state highway; or
9 (B) toll road project or toll bridge; and
10 (2) any other person that may exercise the power of eminent
11 domain when the person seeks to acquire a parcel of land or a
12 property right for the construction, reconstruction, improvement,
13 maintenance, or repair of a feeder road for an Indiana department
14 of transportation project described in subdivision (1) if the
15 construction, reconstruction, improvement, maintenance, or repair
16 of the feeder road begins not later than five (5) years from the



1 conclusion of the project.

2 (b) If:

3 (1) the Indiana department of transportation or other person
4 described in subsection (a)(2) submits a written acquisition offer
5 to the owner of a parcel of real estate under section 5 of this
6 chapter; and

7 (2) the owner rejects the offer;

8 the department or other person shall file a complaint under this article
9 to acquire the parcel by the exercise of eminent domain not more than
10 ~~six (6)~~ **three (3)** years after the date the department or other person
11 submitted the written acquisition offer to the owner.

12 (c) If the Indiana department of transportation or other person fails
13 to meet the requirements described in subsection (b) concerning a
14 parcel of real estate, the department or other person may not initiate an
15 action under this article to acquire the parcel through the power of
16 eminent domain for the same or a substantially similar project for at
17 least three (3) years after the date the ~~six (6)~~ **three (3)** year period
18 described in subsection (b) expires.

19 **(d) A court shall expedite the hearing of an action initiated**
20 **under subsection (b). A party to the action is entitled to an**
21 **expedited appeal of the court's final determination, under rules to**
22 **be adopted by the supreme court.**

